

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.

Rulemaking 00-10-002
(Filed October 5, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTIONS FOR PROTECTIVE ORDER**

Summary

I grant the motions of Southern California Edison Company (Edison), Pacific Gas and Electric Company (PG&E), and San Diego Gas & Electric Company (SDG&E) (collectively IOUs) for protective orders (or extension of existing protective orders) requiring that certain documents be filed under seal. While the IOUs seek 10-year protective orders, I grant such orders for a period of two years from the date of this ruling. It may be that the information ultimately becomes stale. Without a reasonable time limit on the length of the protective orders, the Commission will be unable to make this determination.

Background

This proceeding is a broad examination of the Commission's interruptible program, which allows the IOUs to interrupt electricity to certain customers

when blackouts are threatened. As part of the proceeding, the IOUs filed information in the following categories:

- Information to be used in load curtailment emergencies, including employee names, home and/or work telephone numbers;
- The IOUs' block/circuit curtailment matrix and other highly detailed information about the IOUs' electric distribution system; and
- Names and addresses of customers exempt from curtailment, including national defense facilities, prisons, and police facilities.

The IOUs claim release of this information would compromise their employees' and customers' safety and privacy, and that release without protection of the detailed circuit information would furnish third parties far too detailed information about how to disrupt the electric network.

Discussion

I agree that all of the foregoing information may be filed or remain under seal. The information provides highly specific information about the IOUs' emergency planning, network, customers and employees. Release of such information without protection could compromise network, customer and employee security.

However, parties with a need to have access to such information for purposes of this or other Commission proceedings should have the option of obtaining the information pursuant to appropriate confidentiality agreements. The IOUs shall negotiate such agreements with appropriate requesting parties. In the event of disputes, the IOUs shall contact the proceeding's assigned Administrative Law Judge (ALJ), or if so directed, the Law and Motion ALJ, for resolution.

In addition to the foregoing motions regarding continued protection of previously filed material, on June 6, 2002, Edison filed a motion for a new

protective order related to its customer notification in this proceeding. It claims that in order to prove it has given proper customer notice, it must file the list of customer names. Customer lists are traditionally given a higher level of protection in Commission proceedings, and should receive such protection here.

There is one point in Edison's motion that requires comment. Edison claims that the mere fact that it claims the right to confidential treatment is adequate to preclude disclosure of materials, and to subject Commission staff to misdemeanor prosecution under Pub. Util. Code § 583. Edison is incorrect. It must seek and receive confidential treatment before the provisions of § 583 come into play.

IT IS RULED that:

1. The motions of Southern California Edison Company (Edison), Pacific Gas and Electric Company, and San Diego Gas and Electric Company (collectively IOUs), are granted in part and denied in part. The IOUs' request for a 10-year protective order is denied. An order of such long duration does not give the Commission the option of deciding that the information is stale at a reasonable point in the future. Edison's June 6, 2002 motion to protect its customer list is also granted for a period of two years from the date of this ruling. Its motion was an essential prerequisite to such confidential treatment under Pub. Util. Code § 583.

2. I grant a two-year protective order to each moving IOU. The documents (or portions of documents) identified in the IOUs' moving papers shall remain under seal for a period of two years from the date of this ruling. During that period, the foregoing documents or portions of documents shall not be made accessible or be disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the

assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

3. If any party believes that further protection of its information is needed after two years, it may file a motion stating the justification for further withholding the material from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than 30 days before the expiration of this protective order.

4. If a third party seeks access to the foregoing documents, in this or another Commission proceeding, and can establish that access to such documents is necessary to its participation in such proceeding, the IOUs shall negotiate a confidentiality agreement with such third party. In the event of disputes, the IOUs shall contact the proceeding's assigned ALJ, or if directed, the Law and Motion ALJ.

Dated June 28, 2002, at San Francisco, California.

/s/ SARAH R. THOMAS

Sarah R. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motions for Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated June 28, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

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